

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

ASSOCIATION OF EQUIPMENT)
MANUFACTURERS, AGCO CORPORATION,)
CNH INDUSTRIAL AMERICA LLC, DEERE &)
COMPANY, and KUBOTA TRACTOR)
CORPORATION,)

Plaintiffs,)
v.)

Case No. 1:17-cv-00151-CSM

THE HON. DOUG BURGUM, Governor of the)
State of North Dakota, in his Official Capacity,)
and)

THE HON. WAYNE STENEHJEM, Attorney)
General of the State of North Dakota, in his)
Official Capacity,)

Defendants,)
and)

NORTH DAKOTA IMPLEMENT DEALERS)
ASSOCIATION,)

Defendant-Intervenor.)

**THE STATE OF NORTH DAKOTA AND THE INTERVENOR
NORTH DAKOTA IMPLEMENT DEALERS ASSOCIATION’S
AMENDED RESPONSES TO FIRST REQUESTS FOR ADMISSIONS,
DOCUMENT REQUESTS, AND INTERROGATORIES**

The State of North Dakota (State) and Defendant-Intervenor North Dakota Implement Dealers Association (“NDIDA”) (collectively, “Defendants”), by counsel, pursuant to Federal Rules of Civil Procedure 26, 33, 34, and 36, hereby amend their responses to the first set of discovery responses from Plaintiffs, the Association of Equipment Manufacturers (“AEM”), together with AEM members AGCO Corporation (“AGCO”), CNH Industrial America LLC (“CNH”), Deere & Company (“John Deere”), and Kubota Tractor Corporation (“Kubota”) (collectively, the “Manufacturers”), as a result of Defendants’ continuing investigation, as follows:

REQUESTS FOR PRODUCTION

Document Request No. 1: All documents or tangible things that You anticipate using at trial in this litigation, whether as exhibits or for purposes of rebuttal or impeachment.

Amended Response: See Defendants' response to Request #2 below. Further, Defendants will produce all non-privileged, responsive documents within its possession, custody or control.

Document Request No. 4: All documents relating to the drafting, preparation, enactment, or passage of Senate Bill 2289.

Amended Response: Objection. The State has no documents responsive to this request other than which is already publicly-available. NDIDA objects to this Request because it implicates documents that are covered under attorney-client privilege. Further, NDIDA objects to this Request because it also implicates documents protected from disclosure as attorney work-product. NDIDA also objects because this request implicates documents protected from disclosure under it and its members' First Amendment Privilege to engage in political activities as free speech and to not have such activities or speech chilled or otherwise used against them. Finally, the State and NDIDA interprets the above request to only reference those documents relating to the above that post-date the introduction of SB 2289. Further, the North Dakota Legislature, not NDIDA, drafts and prepares legislation, including SB 2289. Without waiving those objections above, NDIDA states that at the time of its initial response, investigation for potentially-responsive documents was ongoing and none had been found. As the investigation has continued, responsive documents have been discovered and those non-privileged, responsive documents will be provided. Otherwise, NDIDA will produce an appropriate privilege log.

satisfactory it denied the requests. Additionally, Defendants state that having to answer this interrogatory would be unduly burdensome considering the number and length of existing dealer agreements that it implicates. Finally, explaining our bases for our objections would require opining as to the ultimate legal questions, which is improper. Defendants state that the cited existing dealer agreements speak for themselves.

Dated: March 23, 2018

Respectfully submitted,

NORTH DAKOTA IMPLEMENT
DEALERS ASSOCIATION

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of March, 2018, a true and correct copy of the foregoing has been furnished electronically by email directly to the following counsel of record:

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